

REMARKS

In the present amendment, claims 1, 3 and 7 have been amended. Accordingly, claims 1-3 and 5-10 are pending in the application with claim 1 being independent.

Applicant notes that claim 1 has been amended to clarify language and to more clearly indicate that the claim is directed to a product. Furthermore, claim 3 has been amended to correct an error of the previously submitted amendment, wherein the numeral “8” was not underlined.

No new matter has been added.

Interview with Examiner

Applicant expresses appreciation for the courtesies extended by the Examiner during the August 19, 2008 telephone interview with Applicant’s representative Katrin Venter, wherein proposed amendments of claim 1 had been discussed.

In the interview, the Examiner commented that, in addition to the proposed amendments to overcome the indefiniteness rejections of the Final Office Action, claim 1 could benefit from being clarified in that the phrase “being processed that” is allegedly confusing, and it is allegedly not clear if the claim is directed to a product or to a product-by-process. Furthermore, the Examiner pointed out that the terms “solubility” and “white turbidity” have the same meaning if read in view of the teaching in the specification at paragraph [0028].

Additionally, the Examiner stated that the foregoing amendments at the present stage after final rejection comprise too many issues to be resolved without proceeding with a Request for Continued Examination.

In reply to the discussion in the interview, and as also addressed by the Examiner, in the Interview summary, Applicant notes that claim 1 has been amended to clarify any unclear or ambiguous language and to be clearly directed to a product claim.

Response to rejection under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 1-3, and 5-10 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, because the expression “being processed in solid that solubility” could not be understood.

In response, Applicant respectfully submits that claim 1 has been amended to render this rejection moot and further comply with idiomatic English and standard U.S. practice and to clarify the meaning of the claim. Accordingly, in view of the claim amendments, Applicants respectfully request withdrawal of the indefiniteness rejection.

Response to claim objection under 37 C.F.R. § 1.121(c)(2)

The Office Action rejects claim 3 under 37 C.F.R. § 1.121(c)(2), because the numeral “8”, although added in the previously submitted amendment of March 28, 2008, was not underlined.

Applicant respectfully notes that this has been corrected by the present amendment of claim 3. Withdrawal of the objection to claim 3 is respectfully requested.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims. Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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